

AMENDED IN SENATE JULY 12, 2001

AMENDED IN SENATE JUNE 20, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1389

Introduced by Assembly Member Lowenthal

February 23, 2001

An act to amend Sections 8420, ~~8422, 8423, 8428~~ 8423, and 8429 of, and to repeal and add ~~Section 8425~~ *Sections 8425, 8428, and 8429.7* of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1389, as amended, Sher. Commercial fishing: market squid.

(1) Existing law required the Director of Fish and Game, on or before April 1, 2001, to submit a report to the Legislature on the status of the market squid fishery with recommendations for a market squid conservation and management plan.

This bill would require the Fish and Game Commission, after considering that report, *and after public hearings*, to adopt a market squid fishery management plan on or before December 31, 2002. By imposing these duties on the commission, the bill would make an appropriation.

(2) ~~Under existing law, until April 1, 2003, the fee for a commercial market squid vessel permit and the fee for a commercial squid light boat owner's permit is \$400.~~

~~This bill would authorize the commission to establish fees for market squid vessel permits beginning with the 2003–04 permit year.~~

~~(3)~~—The bill also would prohibit each person who is issued a market squid light boat owner's permit from selling, trading, or transferring the permit to another person. Because existing law would make a violation of this provision a crime, the bill would impose a state-mandated local program.

~~(4)~~—

(3) Existing law specifies that the above provisions will become inoperative on April 1, 2003, and repealed as of January 1, 2004.

This bill would provide that specified provisions will become inoperative upon the adoption by the commission of a market squid fishery management plan and the adoption of implementing regulations and will be repealed 6 months thereafter.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8420 of the Fish and Game Code is
2 amended to read:

3 8420. (a) The Legislature finds and declares that the fishery
4 for market squid (*Loligo opalescens*) is the state's largest fishery
5 by volume, generating millions of dollars of income to the state
6 annually from domestic and foreign sales. In addition to
7 supporting an important commercial fishery, the market squid
8 resource is important to the recreational fishery and is forage for
9 other fish taken for commercial and recreational purposes, as well
10 as for marine mammals, birds, and other marine life. The growing
11 international market for squid and declining squid production
12 from other parts of the world has resulted in an increased demand
13 for California market squid, which, in turn, has led to newer,
14 larger, and more efficient vessels entering the fishery and
15 increased processing capacity.

16 (b) The Legislature finds that the lack of research on market
17 squid and the lack of annual at-sea surveys to determine the status

1 of the resource, combined with the increased demand for, and
2 fishing effort on, market squid could result in overfishing of the
3 resource, damaging the resource, and financially harming those
4 persons engaged in the taking, landing, processing, and sale of
5 market squid.

6 (c) The Legislature further finds that many individuals,
7 vessels, and processing plants engaged in the market squid fishery
8 have no other viable alternative fisheries available to them and that
9 a decline or a loss of the market squid resource would cause
10 economic devastation to the individuals or corporations engaged
11 in the market squid fishery.

12 (d) The Legislature declares that to prevent excessive fishing
13 effort in the market squid fishery and to develop a plan for the
14 sustainable harvest of market squid, it is necessary to adopt and
15 implement a fishery management plan for the California market
16 squid fishery that sustains both the squid population and the
17 marine life that depends on squid.

18 (e) The Legislature finds that such a sustainable California
19 market squid fishery can best be ensured through ongoing
20 oversight and management of the fishery by the commission.

21 ~~SEC. 2.—Section 8422 of the Fish and Game Code is amended~~
22 ~~to read:~~

23 ~~8422. (a) For 2002–03 permit year, the fee for a commercial~~
24 ~~market squid vessel permit shall be four hundred dollars (\$400).~~
25 ~~Beginning with the 2003–04 permit year and thereafter, the fee for~~
26 ~~a commercial market squid vessel permit shall be in an amount~~
27 ~~established by the commission sufficient to cover the department's~~
28 ~~and commission's costs for managing the market squid fishery~~
29 ~~pursuant to Section 8425.~~

30 ~~(b) Applications for the permit shall be received by the~~
31 ~~department on or before April 30 of each year, or, if mailed, shall~~
32 ~~be postmarked by April 30 of each year.~~

33 ~~(c) Notwithstanding Section 7852.2, a penalty of two hundred~~
34 ~~fifty dollars (\$250) shall be paid in addition to the fee required~~
35 ~~under subdivision (a) for applications that do not meet the deadline~~
36 ~~specified in subdivision (b) but that are received by the department~~
37 ~~on or before May 31 of any year.~~

38 ~~(d) The department shall deny all applications received after~~
39 ~~May 31 of each year, and the application shall be returned to the~~
40 ~~applicant who may appeal the denial to the commission. If the~~

1 ~~commission issues a permit following an appeal, it shall assess the~~
2 ~~late penalty prescribed by subdivision (c).~~

3 ~~SEC. 3.—~~

4 SEC. 2. Section 8423 of the Fish and Game Code is amended
5 to read:

6 8423. (a) No person shall operate a squid light boat unless the
7 owner of the boat has been issued a commercial squid light boat
8 owner's permit by the department and a permit number is affixed
9 to the boat in the manner prescribed by the department.

10 (b) The department shall issue a commercial squid light boat
11 owner's permit to a person who submits an application, pays the
12 permit fee, and meets the other requirements of this section.

13 (c) The department may regulate the use of squid light boats
14 consistent with the regulations established for commercial squid
15 vessels.

16 (d) ~~For the 2002–03 permit year, the~~ The fee for a commercial
17 squid light boat owner's permit ~~shall be~~ is four hundred dollars
18 ~~(\$400). Beginning with the 2003–4 permit year and thereafter, the~~
19 ~~fee for a commercial squid light boat owner's permit shall be in an~~
20 ~~amount established by the commission sufficient to cover the~~
21 ~~department's and commission's costs for managing the market~~
22 ~~squid fishery pursuant to Section 8425. (\$400).~~

23 (e) It is unlawful for a person to engage in the following
24 activities, unless the vessel used for the activity has been issued a
25 commercial market squid vessel permit or the person holds a
26 commercial squid light boat owner's permit:

27 (1) Attracting squid by light displayed from a vessel, except
28 from a vessel deploying nets for the take, possession, and landing
29 of squid or except from the seine skiff of the vessel deploying nets
30 for the take, possession, and landing of squid.

31 (2) Attracting squid by light displayed from a vessel whose
32 primary purpose is other than the deployment, or assistance in the
33 deployment, of nets for the take, possession, and landing of squid.

34 (f) A commercial squid light boat owner's permit shall be
35 issued to a person who is the owner of record of a vessel that is
36 registered with the department pursuant to Section 7881. For
37 purposes of this subdivision, an owner includes any person who
38 has a lease-purchase agreement for the purchase of a vessel.

(g) No person who is issued a ~~market~~ *commercial* squid light boat owner's permit shall sell, trade, or transfer the permit to another person.

~~SEC. 4.—~~

SEC. 3. Section 8425 of the Fish and Game Code is repealed.

~~SEC. 5.—~~

SEC. 4. Section 8425 is added to the Fish and Game Code, to read:

8425. (a) On or before December 31, 2002, the commission, after consideration of the report and recommendations prepared by the department pursuant to subdivision (c) of Section 8426, and, after public hearings, shall adopt a market squid fishery management plan and regulations to protect the squid resource and manage the squid fishery at a level that sustains healthy squid populations, taking into account the level of fishing effort and ecological factors, including, but not limited to, the species' role in the marine ecosystem and oceanic conditions. The management plan shall be consistent with the requirements of Chapter 5 (commencing with Section 7070), Chapter 6 (commencing with Section 7075), and Chapter 7 (commencing with Section 7080) of Part 1.7. Development of the plan shall be coordinated with the federal Coastal Pelagic Species Fishery Management Plan.

(b) On and after January 1, 2002, the commission shall manage the squid fishery in accordance with the requirements of Chapter 5 (commencing with Section 7070), Chapter 6 (commencing with Section 7075), and Chapter 7 (commencing with Section 7080) of Part 1.7.

~~SEC. 6.—Section 8428 of the Fish and Game Code is amended to read:~~

~~8428.—An amount not to exceed the sum collected annually from permit fees paid pursuant to Sections 8422 and 8423 may be used for the purposes of this article.~~

SEC. 5. Section 8428 of the Fish and Game Code is repealed.

~~8428.—An amount not to exceed the sum collected annually from permit fees paid pursuant to Sections 8422 and 8423 may be used for the purposes of this article, including any research that may be necessary for the development of recommendations to the Legislature.~~

SEC. 6. Section 8428 is added to the Fish and Game Code, to read:

1 8428. Commencing with the 2003–04 permit year, and
2 annually thereafter, the fees for a commercial market squid vessel
3 permit and for a commercial squid light boat permit shall be
4 established by the commission. The total amount of fees collected
5 pursuant to this section, including any revenue derived from any
6 other appropriate source, as determined and allocated by the
7 commission, shall not exceed the department's and the
8 commission's costs for managing the market squid fishery
9 pursuant to Section 8425. The fees collected pursuant to this
10 article shall be used only for the management of the market squid
11 fishery pursuant to Section 8425.

12 SEC. 7. Section 8429 of the Fish and Game Code is amended
13 to read:

14 8429. Any statement made to the department, orally or in
15 writing, relating to a permit issued under this article, shall be made
16 under penalty of perjury. The commission shall revoke the
17 commercial fishing license, the commercial boat registration of
18 any vessel, and, if applicable, any licenses issued pursuant to
19 Section 8032, 8033, or 8034 that are held by any person submitting
20 material false statements, as determined by the commission, for
21 the purpose of obtaining a commercial market squid vessel permit
22 or a commercial light boat owner's permit.

23 SEC. 8. Section 8429.7 of the Fish and Game Code is
24 repealed.

25 ~~8429.7. This article shall become inoperative on April 1,~~
26 ~~2003, and as of January 1, 2004, is repealed, unless a later enacted~~
27 ~~statute that is enacted before January 1, 2004, deletes or extends~~
28 ~~the dates on which it becomes inoperative and is repealed.~~

29 SEC. 9. Section 8429.7 is added to the Fish and Game Code,
30 to read:

31 8429.7. Sections 8420.5 to 8423.5, inclusive, and Sections
32 8426 and 8427 shall become inoperative upon the adoption by the
33 commission of a market squid fishery management plan and the
34 adoption of implementing regulations pursuant to Section 8425,
35 and are repealed six months thereafter.

36 SEC. 9. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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